



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/056,296

Applicant: R. Eric MONTGOMERY

Filed: January 24, 2002

Art Unit: 1614

Examiner: D. Jagoe

Docket No.: 03173341

Customer No.: 26565

*for fee
only*

RESPONSE TO OCTOBER 1, 2003 OFFICE ACTION

This is in response to the Office communication dated October 1, 2003. The original period of response to the Office Action is a statutory period of three (3) months from the mailing date of the Office Action. Included herein is a petition and fee for a two-month extension of time. This response is timely filed if filed on or before March 1, 2004, in accordance with 37 CFR §1.10. If there are any additional fees due in connection with the filing of this response, please charge these additional fees (or credit any overpayment) associated with this communication to our Deposit Account No. 13-0019. Applicant respectfully requests amendment of the patent application and reconsideration and allowance of the pending claims.

Amendment to the Claims begin on page 2 of this paper.

Remarks begin on page 8 of this paper.

compositions suitable for oral use. The abstract certainly fails to teach or suggest tartar control agents in general, and provides no teaching of Applicant's claimed oral care composition comprising an ascorbyl-2-phosphate compound combined with a tartar control agent. Thus, the BS abstract fails to anticipate Applicant's invention.

V. Conclusion

With entry of the above Amendment and in view of the foregoing remarks, it is respectfully submitted that claims 1-5, 7, and 11-44 are in condition for allowance.

None of Applicant's amendments or cancellations are to be construed as dedicating any such subject matter to the public, and Applicant reserves all rights to pursue any such subject matter in this or a related patent application.

It is respectfully submitted in view of the foregoing Amendment and Remarks that all of the objections and rejections in the Office Action dated October 1, 2003 have been overcome and should be withdrawn. Applicant respectfully requests early and favorable notification to that effect. The Examiner is encouraged to contact the undersigned with any questions or to otherwise expedite prosecution.

Respectfully submitted,

By: Christine M. Rebman
Christine M. Rebman
Reg. No. 50,546

MAYER, BROWN, ROWE & MAW LLP
P.O. Box 2828
Chicago, Illinois 60690-2828
Telephone: (312) 701-7174
Facsimile: (312) 706-8361

Dated: February 25, 2004